

COOLEY LLP
MICHAEL G. RHODES (116127) (rhodesmg@cooley.com)
MATTHEW D. BROWN (196972) (brownmd@cooley.com)
JEFFREY M. GUTKIN (216083) (jgutkin@cooley.com)
101 California Street, 5th Floor
San Francisco, CA 94111-5800
Telephone: (415) 693-2000
Facsimile: (415) 693-2222

Attorneys for Defendant
FACEBOOK, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

E.K.D., et al., individually and on behalf of all
others similarly situated,

Plaintiff,

v.

FACEBOOK, INC.,

Defendant.

Case No. 12-CV-01216-LHK

**STIPULATION AND ~~[PROPOSED]~~ ORDER
REGARDING MOTION TO DISMISS AND
OTHER PENDING MOTIONS**

This Stipulation is entered into by and between Plaintiff C.M.D. ("Plaintiff") and Defendant Facebook, Inc. ("Facebook") (collectively, the "Parties") by and through their respective counsel. The Parties have met and conferred regarding the Court's March 26, 2012 Order Re: Motion to Dismiss, and have agreed to adopt the Court's first proposal concerning Plaintiff's complaint and Facebook's response to the complaint.

NOW, THEREFORE, the Parties hereby stipulate and agree as follows:

1. Facebook's pending Motion for More Definite Statement or Dismissal and Motion for Judicial Notice (Dkt. Nos. 12, 15), filed August 1, 2011, are withdrawn without prejudice;

2. Facebook stipulates that Plaintiff may amend the original complaint (Dkt. No. 2), filed June 1, 2011;

1 3. Plaintiff will file an amended complaint on or before April 20, 2012;

2 4. Facebook will file its response to Plaintiff's amended complaint on or before May
3 21, 2012; and

4 5. Plaintiff's pending Motion to Intervene (Dkt. No. 90), filed March 2, 2012, and
5 Plaintiff's Motion for Protective Order (Dkt. No. 92), filed March 7, 2012, are withdrawn without
6 prejudice.

7
8 Dated: March 27, 2012

COOLEY LLP

9 /s/ Matthew D. Brown

Matthew D. Brown

10 Attorneys for Defendant FACEBOOK, INC.

11
12 Dated: March 27, 2012

KOREIN TILLERY, LLC

13 /s/ Aaron M. Zigler

Aaron M. Zigler

14 Attorneys for Plaintiff C.M.D. by his next friend,
15 Jennifer E. DeYong, individually and on behalf of
16 all others similarly situated

17
18 **PROPOSED ORDER**

19 The Parties' STIPULATION REGARDING MOTION TO DISMISS AND OTHER PENDING
20 MOTIONS is hereby approved.

21 In light of the parties' stipulation that Plaintiff will file an amended complaint by April 20,
22 2012, Plaintiff's Preliminary Motion for Class Certification (ECF No. 51) is denied without
23 prejudice as moot.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

24
25 Dated: March 27, 2012



HON. LUCY H. KOH

UNITED STATES DISTRICT JUDGE